

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 19, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At Large
Peter F. Murphy, Jr., Springfield District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District

ABSENT: Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner DuBois MOVED TO DEFER (THE PUBLIC HEARING ON) RZ-2001-DR-013 AND SE-97-D-038, TEMPLE RODEF SHALOM, AND RZ-2001-DR-038, FAIRFAX COUNTY PARK AUTHORITY, TO A DATE CERTAIN OF OCTOBER 17, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

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RZ-2001-MA-017 - IVY DEVELOPMENT, LC
FDP-2001-MA-017 - IVY DEVELOPMENT, LC (Decisions Only)

(The public hearing on these applications was held on September 5, 2001. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE REZONING 2001-MA-017, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 19, 2001.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Murphy and Smyth abstaining; Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-MA-017, SUBJECT TO THE BOARD'S APPROVAL OF RZ-2001-MA-017.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Murphy and Smyth abstaining; Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE MODIFICATION OF THE TRAIL REQUIREMENT ALONG LITTLE RIVER TURNPIKE IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Murphy and Smyth abstaining; Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE MODIFICATION OF THE SCREENING REQUIREMENT ALONG THE EASTERN PROPERTY BOUNDARY IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Murphy and Smyth abstaining; Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE WAIVER OF THE MAXIMUM LENGTH OF PRIVATE STREETS IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers seconded the motion which carried by a vote of 8-0-2 with Commissioners Murphy and Smyth abstaining; Commissioner Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

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CITIZEN'S GUIDE FOR 2002 AREA PLANS REVIEW

Commissioner Palatiello noted that the Policy and Procedures Committee met last week and reviewed the Draft Citizens Guide for 2002 South County Area Plans Review. He noted that

minor changes were made to clarify the limitations on what could be nominated, to modify the timeframe on excluded land areas due to special studies to January 2002 so as to be consistent with the North County Cycle at the present time, and to add a reference to the "Planner-of-the-Day" on page 17 of Section 4. With that, he MOVED THAT THE FULL PLANNING COMMISSION RECOMMEND THE DRAFT CITIZEN'S GUIDE FOR THE 2002 SOUTH COUNTY CYCLE FOR AREA PLANS REVIEW TO THE BOARD OF SUPERVISORS.

Commissioners Kelso and Byers seconded the motion.

Commissioner Palatiello amended his motion to INCLUDE THE SCHEDULE FOR THE PUBLIC FACILITIES SECTION OF THE POLICY PLAN.

Commissioner Kelso, as seconder of the motion, accepted this amendment and the motion, as amended, carried by a vote of 10-0-1 with Commissioner Harsel abstaining; Commissioner Wilson absent from the meeting.

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FSA-H97-30-1 - VERIZON WIRELESS - 2070 Chain Bridge Road

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, THAT THE MODIFICATION TO THE VERIZON TELECOMMUNICATIONS FACILITY ON THE OFFICE BUILDING AT 2070 CHAIN BRIDGE ROAD BE CONSIDERED IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION AND BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* IN THE MATTER OF FSA-H97-30-1.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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FS-H00-97 - SPRINT PCS - 2565 Horse Pen Road

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY SPRINT PCS ON THE OFFICE BUILDING LOCATED AT 2565 HORSE PEN ROAD IS IN

CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE DEEMED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* IN THE MATTER OF FS-H00-97.

Commissioner Byers seconded the motion which carried by a vote of 10-0-1 with Commissioner Kelso abstaining; Commissioner Wilson absent from the meeting.

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FS-H01-31 - AT&T WIRELESS PCS LLC - 8614 Westwood Center Drive

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, THAT THE PROPOSED TELECOMMUNICATIONS FACILITY BY AT&T WIRELESS PCS LLC, FOR THE EXISTING BUILDING LOCATED AT 8614 WESTWOOD CENTER DRIVE, AS AMENDED BY THE APPLICANT IN ITS LETTER DATED AUGUST 20, 2001 AND DESCRIBED IN THE STAFF ADDENDUM DATED SEPTEMBER 5, 2001, BE DEEMED IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* IN APPLICATION FS-H01-31, AS DATED SEPTEMBER 5, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. ZONING ORDINANCE AMENDMENT (Development Plans)
2. ZONING ORDINANCE AMENDMENT (Home Child Care Facilities)
3. RZ-2001-MV-021 - WYNGATE, LLC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Development Plans) - To amend Chap. 112 as follows: Amend Articles 16 & 18 to increase the number of development plans required for submission with a rezoning application from twenty-two to twenty-three. PUBLIC HEARING.

Ms. Susan Epstein, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 2 through 4 of the staff report.

In response to questions from Commissioner Alcorn, Ms. Eileen McLane, ZAD, DPZ, said she did not know how close the Department of Public Works and Environmental Services was to allowing development plans to be submitted electronically, but that she would check on it and convey that information to him at a later date.

In the temporary absence of Chairman Murphy, Vice Chairman Byers called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Moon for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT RELATED TO DEVELOPMENT PLANS, AS STATED IN THE STAFF REPORT DATED JULY 23, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Murphy and Palatiello not present for the vote; Commissioner Wilson absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Home Child Care Facilities) -

To amend Chap. 112 as follows: Amend the provisions regarding home child care facilities to allow a home child care facility as a permitted accessory use to have one non-resident person involved in the use & to increase the max. number of non-resident children which may be allowed by special permit from 10 to 12. PUBLIC HEARING.

Ms. Jayne Collins-Reale, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 3 through 5 of the staff report.

Commissioner Moon noted that the Commission had received a memorandum from the Citizens Committee on Land Use and Transportation expressing support for the proposed amendment. (A copy of the memorandum is in the date file.)

ZONING ORDINANCE AMENDMENT (Home Child Care Facilities) September 19, 2001

Ms. Collins-Reale responded to questions from Commissioner Moon regarding staff's rationale for the proposed changes. She noted that this amendment would align the County's Zoning Ordinance with State regulations.

In response to questions from Commissioner Harsel, Ms. Collins-Reale explained the difference between the current language and this proposal as it related to non-resident assistants in home child care facilities. At Commissioner Harsel's request, she also discussed the present parking requirements and enforcement methods.

In response to questions from Commissioner Moon, Ms. Eileen McLane, ZAD, DPZ, explained that in 1994, at the request of the Board of Supervisors when adopting a Zoning Ordinance Amendment regarding home occupations in general, a provision was attached that a study be undertaken in two years and an evaluation be conducted to determine if there were any parking or traffic problems. She added that the evaluation in 1996 indicated that there had been no complaints to the Zoning Enforcement Office regarding parking or traffic associated with home occupations.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Ms. Erin Cope, 9821 Convent Court, Fairfax, spoke in opposition to the proposed amendment. She discussed problems in her neighborhood with several home child care facilities and said that day care assistants were insufficiently trained and unreliable, sometimes creating a situation where one person was responsible for more children than allowed under current regulations. She said that approval of this amendment would allow larger operations which would create more problems.

Ms. McLane responded to questions from Chairman Murphy and Commissioner Byers regarding the current regulations and the enforcement process.

Ms. Collins-Reale responded to questions from Commissioner Moon regarding the provisions in the proposed amendment regarding larger facilities requiring special permit approval from the Board of Zoning Appeals.

In response to questions from Commissioner Moon, Ms. Collins-Reale explained that training for child care providers in Fairfax County, both primary caregivers and assistants, was the responsibility of the County's Office for Children.

In response to questions from Commissioners Byers and Alcorn, Ms. McLane explained that providers with five or fewer children were licensed by the County and subject to the provisions of Chapter 30 of the *Code of the County of Fairfax* and providers with six or more children were licensed by the State and subject to the provisions of Section 63.1-196 of the *Code of Virginia*.

In response to questions from Commissioner Harsel, Ms. McLane explained that Chapter 30 included provisions for training and criminal records checks of the caregivers and for the physical aspects of the facility, such as the temperature of refrigeration, et cetera.

Commissioner Kelso requested that the decision on this item be deferred to allow more time for citizen review.

In response to questions from Commissioner Smyth, Ms. McLane explained that adding language to increase parking requirements would be outside of the scope of the advertising for this proposed amendment.

Mr. Robert Cope, 9821 Covent Court, Fairfax, spoke in opposition to the proposed amendment. He expressed his surprise at Ms. McLane's statement that a study found no complaints about parking and traffic associated with child care centers because he and his wife had made numerous complaints for more than nine months with no satisfactory results. He discussed problems he encountered in his neighborhood and said that he was aware of illegal operations where homes were rented specifically for the purpose of providing day care, often using untrained or undertrained personnel. He said that approval of this amendment would make it easier for such operations to exist.

Chairman Murphy and Mr. Cope discussed the parking situation in his neighborhood.

In response to questions from Commissioner Harsel, Ms. Collins-Reale said that citizens with complaints should contact the Zoning Enforcement Office at 703-324-1300.

In response to questions from Commissioner Hall, Ms. Collins-Reale confirmed that no more than seven children, unrelated to the provider, could be cared for at any one time in a home child care facility.

In response to questions from Commissioner Alcorn, Ms. Collins-Reale explained that if this proposed amendment was not adopted a provider with seven unrelated children would be required to obtain a special permit if a non-resident employee was desired.

In response to a question from Commissioner Alcorn, Ms. McLane stated that since 1996, a total of 15 special permit applications for home child care facilities had been filed, 11 of which were approved, 1 withdrawn and 3 denied.

In response to questions from Commissioner Moon, Ms. Collins-Reale confirmed that home child care facilities were treated in the Zoning Ordinance in a similar manner to other home occupations.

There being no further speakers, questions from the Commission or closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Moon MOVED TO DEFER THIS PROPOSED ZONING ORDINANCE AMENDMENT, FOR DECISION ONLY, UNTIL A DATE CERTAIN OF OCTOBER 10, 2001.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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RZ-2001-MV-021 - WYNGATE, LLC - Appl. to rezone from C-8, R-2, HC & CRD to R-8, HC & CRD to permit residential development at a density of 7.73 du/ac on property located on the S. side of Richmond Hwy., approx. 500 ft. W. of its intersection w/Forest Place on approx. 6.34 ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 101-3((1))35. MT. VERNON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich & Lubeley, reaffirmed the affidavit dated September 6, 2001. There were no disclosures by Commission members.

Ms. Mavis Stanfield, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Strobel explained that the applicant proposed 49 single family attached dwellings at a density of 7.7 dwelling units per acre (du/ac) which was in accord with the recommendations of the Comprehensive Plan. She noted that the lot layout provided a tree save area at the southern end of the subject property that would buffer Mount Vernon Manor residents. She commented on the design features such as 18-foot driveways and architectural treatments. Ms. Strobel stated that the applicant had worked with Mount Vernon Manor residents as well as the Mount Vernon Council to address their concerns. She said that the proffers had been amended to increase the contribution for parks, increase the number of off-site plantings, and provide for the maintenance of those plantings by the applicant until final bond release. She stated that this proposal for residential use would preclude additional commercial use along Richmond Highway that would otherwise be permitted under the current zoning and upgrade a blighted site. Ms. Strobel said that discussions about the future maintenance of the off-site plantings and interparcel access were continuing.

Commissioner Byers announced his intent to defer the decision on this application pending resolution of the outstanding issues. He mentioned that he was concerned about there not being anything specific in the draft proffer regarding interparcel connection that would indicate when such connection should take place. He suggested the addition of the words "on request from the Department of Public Works and Environmental Services." Ms. Strobel said she would be happy to discuss the issue further before a decision was made.

In response to questions from Commissioner Smyth, Ms. Strobel agreed to investigate the alternatives for provision of adequate notice to new homeowners regarding responsibility for maintenance of any stormwater management facility required and a possible escrow account to fund such maintenance.

Commissioner Byers noted that this development would be across the street from the new post office and that traffic conflicts might arise as a result of increased traffic. He said he had recently learned from Commissioner Kelso that there was a proposal to address that situation and asked Commissioner Kelso to elaborate for the Commission's benefit.

Commissioner Kelso explained that Richmond Highway was indeed scheduled for improvement to a four-lane divided highway in this area and that postal officials had agreed to exert whatever influence they could to convince Virginia Department of Transportation (VDOT) officials that a median break at this point was warranted. He noted, however, that these improvements were not scheduled for the immediate future.

In response to questions from Commissioner Kelso, Ms. Strobel explained that her client had proffered to dedicate the subject property's Richmond Highway frontage 75 feet from centerline at the request of VDOT.

In response to a question from Commissioner Byers, Commissioner Kelso stated that the pavement in front of the new post office was wide enough to be restriped to include a left turn lane into the post office, but that postal officials had declined to make such arrangements.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Byers for a deferral motion. (A verbatim transcript is in the date file.)

Commissioner Byers MOVED THAT WE DEFER THE DECISION ONLY ON RZ-2001-MV-021, WYNGATE LLC, TO A DATE CERTAIN OF 20 SEPTEMBER 2001, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Koch and Kelso seconded the motion which carried unanimously with Commissioner Wilson absent from the meeting.

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ADJOURNMENT

September 19, 2001

The meeting was adjourned at 9:39 p.m.

Peter F. Murphy, Jr. Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: March 12, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission